

REMARKS/ARGUMENTS

Claims 1 - 55 remain in the application. As stated above, Claims 52-55 have been allowed and Claims 4 and 5 are allowable. All of the other claims were rejected in view of the primary reference of LIETSALMI et al, PCT publication WO 98/10604, either taken alone or in combination with other references.

By this Response and Amendment, allowable Claim 4 has been rewritten in independent form so as to place it and Claim 5, dependent thereon, in condition for allowance; claim 1 has been amended to replace the too limiting word of "consisting" with the broader word "comprised" and to make some minor editorial changes; the specification has been amended to add a reference to Figure 6, to correct a minor error, and to make "T_{RECEIVE}" consistent with the word in Figure 6. It is submitted that no new matter has been introduced by these amendments. Finally, all of the rejections are specifically, respectfully traversed and the claims have not been narrowed in view of the references cited by the Examiner. Thus, reconsideration of the rejections is requested for the reasons stated below.

The present invention in a number of different claimed embodiments relates to the streaming of at least some interactive content in an unobtrusive manner on a subscribers' idle handset, such as a portable mobile telephone. As a result of the present invention, solutions are provided to mobile operators to enable

them to increase their revenues by an increased use of subscribers' mobile telephones by driving usage of value-added mobile services to a mass-market audience. It is noted that the present invention is enjoying considerable commercial success with systems installed in India, Sri Lanka, China, Israel, Thailand and Russia. The Examiner is invited to visit the website of the assignee of this application and invention at www.celltick.com/ and click on the Products Tab, and then click on demo.

REJECTIONS UNDER 35 USC § 102(b)

Independent Claim 1 and Claims 2-3, 6-8, 11, 13, and 14 dependent thereon, and independent Claim 48 and Claims 51 and 52 dependent thereon were rejected as being anticipated by the Lietsalmi et al PCT publication.

A. The Examiner said with respect to Claim 1 that the reference:

discloses a cellular telecommunications network including a plurality of individually addressable Base Transceiver Stations (BTSS) providing bidirectional signal coverage over a predefined geographical area capable of transmitting Point-To-Multipoint (PTMP) messages over a Point-To-Multipoint Service (PTMPS) functionality and capable of transmitting Point-To-point (PTP) messages, a method of operating the cellular telecommunications network, comprising the step of transmitting a cellular broadcasting service consisting of a substantially continuous stream (see page 3 line2) of mostly different content

With respect, it is submitted that the Lietsalmi et al. reference does not disclose the transmitting of a "substantially continuous stream" of messages. Rather, this reference only discloses the transmission of individual messages which are either immediately displayed on a subscriber's mobile telephone thereby interrupting the functioning of the mobile telephone or when requested by a user i.e. they are stored in a memory for later retrieval (see Lietsalmi et al., page 11, lines 27-29). Both these modes of display do not lend to a continuous streaming of display messages on a subscriber's mobile telephone as discussed in the present specification page 1, line 28-page 2, line 7. The fact that these messages are transmitted on a "continuous channel" Page 3, line 2 does not mean that there is a "substantially continuous stream" of messages.

Because this reference does not disclose a continuous stream of messages, this reference cannot anticipate independent Claim 1. Also, because Claim 1 cannot be anticipated, neither can any of the claims dependent thereon. Accordingly, reconsideration of these rejections are respectfully requested.

B. The Examiner said with respect to independent Claim 48

that the reference:

discloses a cellular telecommunications network including a plurality of Base Transceiver Stations (BTSS) including a plurality of individually addressable Base Transceiver Stations (BTSS) providing bi-directional signal coverage over a predefined geographical area, a display message for display on the display screen of a personal cellular telecommunications device, the display message comprising at least two integrally formed point-to-point located on the ground. ...

Lietsalmi et al. reference discloses two different types of interactive display messages. The first type of interactive display message involves manual or automatic dialing of a callback number (see page 5, lines 10-15, and page 15, lines 6-15). The second type of interactive display message involves the generation of a point-to-point SMS manual acknowledgement message for voting purposes (see page 5, lines 16-20, and page 13, line 27-page 14, line 10). It is submitted that Claim 48 is not anticipated by this reference at least because that reference nowhere discloses for an interactive system a means that provides two different response mechanisms for responding to a message. Claim 48 claims a number of such response mechanisms including a voice call, an SMS, a data session, an e-mail, and a facsimile transmission.

Because this reference does not disclose two different response mechanisms integrally formed in a single interactive display message, this reference cannot anticipate independent Claim 48. Also, because Claim 48 cannot be anticipated, neither can any of the claims dependent thereon. Accordingly, reconsideration of these rejections are respectfully requested.

REJECTIONS UNDER 35 USC § 103

Independent Claim 15 and Claims 16-26 dependent thereon, independent Claim 27 and Claims 28-38 dependent thereon, and independent Claim 39 and Claims 40-47 were rejected as being obvious over the Lietsalmi et al. PCT publication in combination with other references.

A. The Examiner rejected independent Claim 15 and its dependent claims, as being obvious over the primary reference to Lietzalmi et. al in combination with the Taubenheim et al. Patent and the De Boor patent. The Examiner stated that the primary Lietzalmi et al. reference

does not explicitly disclose (a) temporarily storing display messages in a dynamic storage buffer ready for display on the display screen; (b) instead of displaying an idle screen on the display screen, automatically streaming display messages from the dynamic storage buffer on the display screen but interrupting their display to display a non-idle activity specific screen, if invoked; and (c) automatically discarding display messages from the dynamic storage buffer in accordance with a display message discard scheme irrespective of their having been displayed on the display screen or not.

The Examiner attempts to overcome this deficiency of the primary reference by combining it with the Taubenheim et al. patent and the De Boor patent.

However, it is submitted that the Examiner has put together this combination of 3 references using impermissible hindsight gained from the present application. In particular, the Taubenheim reference is for a pager and the Lietsalmi et al. reference is for a cell phone. It is submitted that these two references are for inventions in non-analogous arts and cannot be combined. It is therefore submitted that Independent Claim 15 is patentable over this combination of references.

Also, because Claim 15 cannot be obvious over the cited references, it is submitted that the claims dependent thereon also cannot be anticipated by this combination.

Accordingly, reconsideration of these rejections are respectfully requested.

B. The Examiner rejected independent Claim 27 and its dependent claims as being obvious over the primary reference to Lietzalmi et. al in combination with the Taubenheim et al. Patent, the Lee patent and the Hubbe et al. patent. The Examiner stated

Lietsalmi et al does not disclose (a) temporarily storing display messages in a dynamic storage buffer ready for display on the second portion of the display screen; (b) normally displaying an idle screen on the first portion of the display screen; and automatically streaming display messages from the dynamic storage buffer on the second portion of the display screen; (d) displaying a non-idle activity specific screen on at least the first portion of the display screen, if invoked; and (e) automatically discarding display messages from the dynamic storage buffer in accordance with a display message discard scheme irrespective of

their having been displayed on the display screen or not.

The Examiner attempts to overcome this deficiency of the primary reference by combining it at least with the Taubenheim et al. patent.

However, it is submitted that the Examiner has put together this combination of 4 references using impermissible hindsight gained from the present application. In particular, the Taubenheim reference is for a pager and the Lietsalmi et al. reference is for a cell phone. It is submitted that these two references are for inventions in non-analogous arts and cannot be combined. It is therefore submitted that Independent Claim 27 is patentable over this combination of references.

Also, because Claim 27 cannot be obvious over the cited references, it is submitted that the claims dependent thereon also cannot be anticipated by this combination.

Accordingly, reconsideration of these rejections are respectfully requested.

C. The Examiner rejected independent Claim 39 and its dependent claims as being obvious over the primary reference to Lietsalmi et. al in combination with the Taubenheim et al. Patent, and the Hubbe et al. patent. The Examiner stated

LIETSALMI et al does not disclose a

method for operating a personal cellular telecommunications device having at least one dynamic storage buffer, and a subscriber interface including a split screen display screen including at least two portions, the method comprising the steps of: (a) temporarily storing display messages in a dynamic storage buffer ready for display on the second portion of the display screen; (b) permanently streaming display messages from the dynamic storage buffer on at least one portion of the display screen; and (c) automatically discarding display messages from the dynamic storage buffer in accordance with a display message discard scheme irrespective of their having been displayed on the display screen or not.

However, it is submitted that the Examiner has put together this combination of 3 references using impermissible hindsight gained from the present application. In particular, the Taubenheim reference is for a pager and the Lietsalmi et al. reference is for a cell phone. It is submitted that these two references are for inventions in non-analogous arts and cannot be combined. It is therefore submitted that Independent Claim 39 is patentable over this combination of references.

Also, because Claim 39 cannot be obvious over the cited references, it is submitted that the claims dependent thereon also cannot be anticipated by this combination.

Accordingly, reconsideration of these rejections are respectfully requested.

MISCELLANEOUS

The allowance of Claims 52-55 and the allowability of Claims 4 and 5 are noted with appreciations. Claim 4 has been rewritten in independent form by inserting therein all of original Claim 1.

The specification has been amended as indicated above to add a reference to Figure 6 in the specification where the method of Figure 6 is discussed. In addition it was discovered that the terminology in this paragraph was slightly different from that used in Figure 6, and the paragraph has been amended to obviate that difference. It is submitted that no new matter has been added by these amendments.

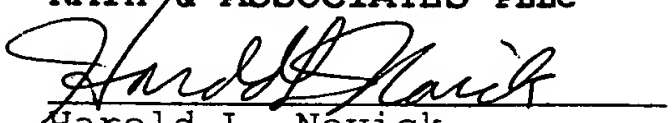
The cited, but not applied references have been considered, and there is agreement with the Examiner that the claims as presented are patentable over these claims.

CONCLUSION

For the reasons cited above, it is submitted that all claims are patentable over the cited references. Accordingly, such action is respectfully requested.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By:


Harold L. Novick
Registration No. 26,011
Customer No. 20529

Date: June 1, 2005
NATH & ASSOCIATES, PLLC
1030 15th Street N.W., 6th Floor
Washington, D.C. 20005
Tel. (202) 775-8383
Fax (202) 775-8396
HLN/xv